

Applicant(s): G. Windel  
Application No.: 10/088,717  
Examiner: M. Spisich

### Remarks

As an initial matter, Applicant appreciates the courtesies extended to his representative, Seth Blum, by the Examiner during a telephone interview conducted August 2, 2005. These amendments and remarks presented herein reflect those discussed during the interview, and Applicant respectfully submits that this Response satisfies the requirements of MPEP §713.04.

Claims 17-38 are pending in the application and are presented for the Examiner's review and consideration. Claims 17, 23, 24, and 30 has been amended. Applicant believes the claim amendment and accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

### 35 U.S.C. §112 Rejections

Claims 17-38 were rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, claim 17 had been previously amended to recite "at least two groups of bristle elements" as well as "two groups of strip wash elements." The Examiner asserts that the inclusion of the term "groups" into claim 17 raises a question as to the desired or other wise reasonable interpretation thereof. In order to clarify the present invention, Applicant has amended claim 17 to remove the recitation of "groups" from the claim.

In light of the foregoing, independent claim 17 is respectfully submit to be disclosed in the specification and particularly point out and distinctly claim the subject matter of the invention. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112 rejections.

### 35 U.S.C. §102(b) Rejection

Claims 17, 20, 21, 23-25 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,815,185 to Crotts. ("Crotts"). For the reasons set forth below, Applicant respectfully submits that claims 17, 20, 21, 23-25 and 38 are not taught or suggested by Crotts.

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Crotts pertains to vehicle washers and particularly to a rotary top brush for a vehicle washer in which flaps or paddle elements are positioned among brush strands to prevent such strands from damaging the vehicle being washed. (Col 1, lns. 6-10). Looking to FIGS. 1 and 2, a portion of a carwasher top brush 2 is shown to comprise a shaft 3 wrapped with a plurality of bristle sections 4 in side-by-side, contiguous arrangement along the shaft axis. (Col 2, lns. 29-32). Each bristle section 4 comes as a flat strip from which a large number of filament or strip bristles 5 extend, the length of such bristles being on the order of two feet. (Col 2, lns. 32-35). The brush 2 is formed by wrapping each section 4 around the shaft 3 so that a slight overlap is formed, a pin, rivet or screw 6 is disposed through the overlap to secure the section to the shaft as shown in FIG. 2. (Col 2, lns. 35-39).

A flexible paddle 7 of felt-like man-made material is attached to the brush shaft 3 adjacent one longitudinal end by inserting the paddle 7 between the overlapping ends of section 4 and driving the pin 6 through the paddle 7 as well as the section 4. (Col 2, lns. 42-47). The paddle 7 serves the purpose of separating the bristles 5 from each other and urging the bristles away from any objects on a vehicle before they become entangled. (Col 2, lns. 55-58). The paddle 7 also effectively extends operating the radius of the brush 2 by adding rigidity to the bristles 5. (Col 2, lns. 58-60). By maintaining the bristles 5 in a straight extended configuration, paddle 7 also improves the cleaning performance of the brush. (Col 2, lns. 60-62). As shown in FIG. 3, the preferred embodiment employs a pair of paddles 8 and 9 mounted at opposite ends of shaft 2 and extending in opposite directions from one another for dynamic balance. (Col 2, lns. 63-66).

As such, Crotts discloses a rotary top brush for a vehicle washer which includes bristle sections, in the form of flat strips having a large number of filaments or strips extending therefrom. The flat strips of each of the bristle sections wrap completely wrapped around a circumference of a shaft. A bristle section is attached to the shaft by overlapping the end portions of the flat strip and inserting one or more pins through the overlapped ends into the shaft. A flexible paddle can be attached adjacent to opposite ends the shaft, were an end portion of the paddle in interposed between the overlapping end portions of the flat strip. A pin is

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Application No.: 10/088,717  
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inserted through the overlapping end portions of the flat strip and the end portion of the paddle into the shaft, securing the bristle section and the paddle to the shaft.

In contrast, the present invention relates to a washing device, such as a scrub brush, that can be mounted on a shaft to rotate and/or moved in a linear direction. ([0008]). The washing device has several essentially transverse spaced bristle-like and strip-like wash elements on its periphery. (Id.) These wash elements are arranged in an alternating manner in the circumferential direction and/or in the axial direction and the bristle-like wash elements have a greater length than the strip-like wash elements. (Id.)

The strip-like wash elements (4) in the depicted example are configured as radially spaced cloths, having slits on their exterior edges, and thereby producing narrow strips (5). ([0025]). As an alternative, the wash elements (4) can also consist of individual thin strips or bundles or tufts (18) of individual strips. (Id.) The bristle-like wash elements (3), on the other hand, consist of a harder, thin threadlike synthetic material. ([0028]).

In the sample embodiment there are several adjoining groove rings (8) attached in twist-lock manner in succession on the shaft (2). ([0024]). The groove rings (8) serve to accommodate strip-like wash elements (4) and bristle-like wash elements (3), which are preferably arranged in bundles (18). (Id.) The arrangement of the bristle-like wash elements (3) and the strip-like wash elements (4) occurs at the groove rings (8) in a closely-spaced alternation or a tight blending, as is especially evident from Figures 3 and 6. ([0024]). Preferably, there is an alternation at least in the circumferential direction of the scrub brush (1). (Id.) In addition, an alternation in the axial direction (20) of the scrub brush (1) can occur. (Id.)

As such, the present invention discloses a washing device including a plurality of bundles of bristle wash elements and a plurality of strip-like wash elements. The bristle elements and the strip-like wash elements are fastened about the periphery of the washing device in an alternating fashion, where each of the bristle element bundles and strip-like wash elements are individually attached to the washing device at discrete individual locations. Crotts fails to disclose that the bristles of the flat strips and the flexible paddle are attached at individual locations about the shaft, only teaching that the flat strip and flexible paddle are attached to the shaft at the same

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Application No.: 10/088,717  
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location.

In contrast, claim 17 recites, *inter alia*, a washing device for a car wash unit. The washing device is mounted on a shaft and includes a plurality of bristle element areas and a plurality of strip wash element areas independently positioned on a periphery of the washing device. Each of the bristle element areas and the strip wash element areas being transversely spaced apart and arranged in an alternating manner such that at least one of the bristle element areas is positioned adjacent to at least one of the strip wash element areas. Each of the plurality of bristle element areas includes a plurality of bristle element and each of the plurality of strip wash element areas includes a strip wash element; wherein the bristle elements have a greater length than the strip wash elements and the bristle elements are coarser than the strip wash elements.

In light of the foregoing, independent claim 17 is respectfully submitted to be patentable over Crotts. As claims 20, 21, 23-25 and 38 depend from claim 17, these dependent claims necessarily include all the elements of their respective base claim. Accordingly, Applicant respectfully submits that the dependent claims are allowable over Crotts at least for the same reasons.

#### 35 U.S.C. §103(a) Rejections

Claims 26 and 32 were rejected under 35 U.S.C. §103(a) as being obvious over Crotts. Claims 18, 19, and 22 were rejected under 35 U.S.C. §103(a) as being obvious over Crotts in view of U.S. Patent No. 5,884,356 to Zigerlig ("Zigerlig"). Claim 22 was rejected under 35 U.S.C. §103(a) as obvious over Crotts in view of U.S. Patent No. 5,813,076 to Belanger et al. ("Belanger").

As claims 18, 19, 22, 26, and 32 depend from claim 17, these dependent claims necessarily include all the elements of their base claim. As noted above, claim 17 is submitted to be patentable over Crotts. The inclusion of Zigerlig and Belanger fail to overcome the deficiencies of Crotts. Accordingly, Applicant respectfully submits that the dependent claims are allowable at least for the same reasons.

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Allowable Subject Matter

The Examiner stated that claims 27-31 and 33-37 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. 112, 2nd paragraph, and to include all of the limitation of the base claim and any intervening claims.

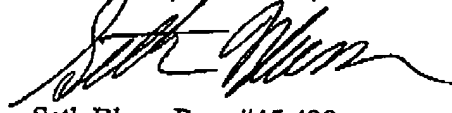
As claims 27-31 and 33-37 depend from claim 17, these dependent claims necessarily include all the elements of their base claim. As noted above, claim 17 is submitted to be in a condition of allowance. Accordingly, Applicant respectfully submits that the dependent claims are also in a condition of allowance at least for the same reasons.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 740-X02-011).

Respectfully submitted,



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